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National Association of Regulatory Utility Commissioners

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December 17, 2002

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Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Notice of Ex Parte Comments – 2 Originals filed in the proceeding captioned:

In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-92, 96-98 and 98-147, Notice of Proposed Rulemaking, FCC 01-361 (rel. Dec. 20, 2001).

Madam Secretary:

On November 13, 2002, the following NARUC Commissioners met for an hour with FCC Commissioner Kevin Martin, along with Dan Gonzales, his Senior Legal Advisor, and Emily Willeford, his Special Assistant for Legislative and Public Affairs, at the NARUC Convention in Chicago, Illinois: (1) NARUC President Michigan Commissioner David Svanda, (2) NARUC 2nd Vice President Washington Chair Marilyn Showalter, (3) NARUC Telecommunications Committee Chair Oregon Commissioner Joan Smith, (4) NARUC Telecommunications Co-Vice Chair Michigan Commissioner Bob Nelson, (5) NARUC Telecommunications Co-Vice Chair New York Commissioner Tom Dunleavy, (6) Texas Chair Becky Klein, (7) Ohio Chairman Alan Schriber, (8) Ohio Commissioner Ronnie Fergus, and (9) Pennsylvania Chairman Glenn Thomas. NARUC General Counsel Brad Ramsay also participated.

During that meeting, there was a general discussion of all of the State's arguments as outlined in each NARUC, Michigan, and Ohio pleading filed in the above-captioned CC Docket 01-92 proceeding. The points outlined in NARUC's November 20, 2002 filed "80-Commissioner" *ex parte* were covered. The discussion was related to those pleadings and how (or if) they addressed specific questions, e.g., (1) the need for simultaneous action on performance measures, (2) the type of presumptions that should apply, (3) the type of criteria appropriate for specific UNEs – subjective or objective, (4) the type of process for approval, (5) how should new UNEs be priced, and (6) for switching – what is the impact if (i) a CLEC switch is located in a specific central office, (ii) if electronic loop provisioning is available in a specific central office, (iii) migration from UNE-P to UNE-L is "impaired", (iv) if the State has completed a Section 271 proceeding based on existing standards.

NARUC respectfully requests that the Commission grant any waivers needed to file this *ex parte* out-of-time. If you have questions about this filing, please do not hesitate to contact me at 202.898.2207 or jramsay@naruc.org.

Sincerely,

James Bradford Ramsay
General Counsel

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cc: William Maher, *Wireline Competition Bureau Chief*